

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEBORAH D. PETERSON,
Personal Representative of the Estate of
James C. Knipple (Dec.) et al.,

Plaintiffs,

v.

ISLAMIC REPUBLIC OF IRAN, et al.

Defendants.

Case No. 10 CIV 4518 (BSJ)(GWG)

**FILED UNDER SEAL
CONTAINS CONFIDENTIAL
MATERIAL SUBJECT TO
PROTECTIVE ORDER**

DECLARATION OF DAVID M. LINDSEY

I, David M. Lindsey, hereby declare as follows:

1. I am a partner in the law firm of Chaffetz Lindsey LLP, attorneys for Defendant Bank Markazi. I am an attorney duly admitted to practice law in the State of New York, as well as in the Southern District of New York.

2. I submit this Declaration in support of Bank Markazi's Motion to Dismiss the Second Amended Complaint dated December 7, 2011 and all Cross-Claims asserted by any Third Party Respondent (as defined in the Court's November 29, 2011 Scheduling Order) in the above captioned action for lack of subject matter jurisdiction under the Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1602-1611.

3. Attached hereto as Exhibit A is a true and correct copy of the April 23, 2010 letter from Lynn Y. Lee of the U.S. Department of Justice, Civil Division, Federal Programs Branch to

David J. Cook, Esq., including attachments, that was attached as Exhibit G to Plaintiffs' First Amended Complaint in this action.

4. Attached hereto as Exhibit B is a true and correct copy of Executive Order No. 13599 dated February 5, 2012, as published in the Federal Register on February 8, 2012.

5. Attached hereto as Exhibit C is a true and correct copy of the Statement of Interest of the United States of America in Response to Petitioners' Motion for Immediate Turnover of Funds, *Rux v. ABN Amro Bank NV*, 08 Civ. 6588 (AKH) (S.D.N.Y) (filed January 12, 2009).

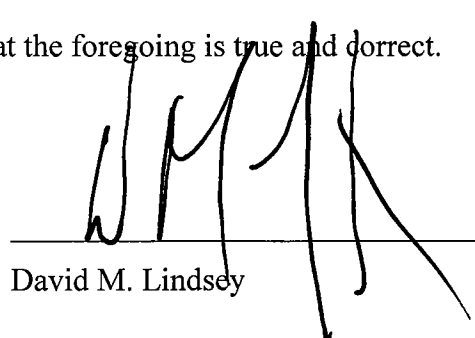
6. Attached hereto as Exhibit D is a true and correct copy of the Treaty of Amity, Economic Relations and Consular Rights between the United States and Iran, 8 U.S.T. 899 (1955).

7. Attached hereto as Exhibit E is a true and correct excerpt from the transcript of the June 27, 2008 hearing before the Honorable John G. Koeltl, United States District Judge, in Plaintiffs' related enforcement proceeding, *Peterson v. Islamic Republic of Iran*, Case. No. 18 Misc. 302 (S.D.N.Y.).

8. Attached hereto as Exhibit F is a true and correct excerpt from the brief of Plaintiffs-Appellees EM Ltd. and NML Capital Ltd. in *NML Capital, Ltd. v. Banco Central de la República Argentina*, No. 10-1487-cv(L), (2d Cir.) (filed June 28, 2010).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
March 15, 2012



David M. Lindsey